

REMARKS

Response to Restriction Requirement

The Examiner has issued a requirement for restriction and election based on claims 1-37 of the present application. However, these claims were canceled by a preliminary amendment at the time of filing the application and were replaced with claims 38-77, which are now pending. Thus, Applicants respectfully submit that the restriction requirement is improper.

On September 24, 2008, counsel for Applicants, Thomas Keating, spoke by telephone with Examiner Pham regarding the fact that the restriction requirement was improperly directed to the canceled claims. Examiner Pham indicated that counsel for Applicants should file a paper with the Patent Office pointing this out and that he would subsequently issue a new Action.

CONCLUSION

This application is now in condition for examination on the merits.

Respectfully submitted,

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